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AUTHORITY: 7 U.S.C. 601–674.

SOURCE: 44 FR 22038, Apr. 13, 1979, unless otherwise noted.

## Subpart—Order Regulating Handling

### DEFINITIONS

#### § 979.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any other officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

#### § 979.2 Act.

*Act* means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

#### § 979.3 Person.

*Person* means an individual, partnership, corporation, association, or any other business unit.

#### § 979.4 Production area.

*Production area* means the counties of Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy, and Zapata in the State of Texas.

#### § 979.5 Melons.

*Melons* means all varieties of *Cucumis melo*, commonly called muskmelons and including but not limited to varieties *reticulatus* and *inodorus*, grown in the production area. Such varieties include cantaloupes, honeydew and honey ball melons. Watermelons

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(*Citrallus lanatus*) are not included in the foregoing definition.

### § 979.6 Handler.

*Handler* is synonymous with *shipper* and means any person (except a common or contract carrier of melons owned by another person) who handles melons or causes melons to be handled.

### § 979.7 Handle.

*Handle* or *ship* means to harvest, grade, package, sell, transport, or in any other way to place melons grown in the production area, or cause such melons to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery within the production area of field-run melons to a person for the purpose of having such melons prepared for market.

### § 979.8 Grower.

*Grower* is synonymous with *producer* and means any person engaged in a proprietary capacity in the production of melons for market.

### § 979.9 Committee.

*Committee* means the South Texas Melon Committee established pursuant to § 979.22.

### § 979.10 Fiscal period.

*Fiscal period* means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

### § 979.11 Grade, size, and maturity.

*Grade, size, and maturity* mean, respectively, any of the officially established grade, size, or maturity definitions as set forth in the U.S. Standards for Grades of Cantaloupes (§§ 2851.475 through 2851.494(c) of this title) or U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons (§§ 2851.3740–2851.3749 of this title), including amendments, modifications, or variations thereof, or, such other grades, sizes, and maturities as may be recommended by the committee and approved by the Secretary.

### § 979.12 Grading.

*Grading* is synonymous with *preparing melons for commercial market* and means sorting or separation of melons into grades, sizes, maturities, or packs or any combination thereof, for handling.

### § 979.13 Pack.

*Pack* means a quantity of melons specified by grade, size, weight, or count, or by type or conditions of container, or any combination of these recommended by the committee and approved by the Secretary.

### § 979.14 Container.

*Container* means any carton, crate, box, bag, hamper, pallet bin, package, basket, bulk load, or any other type of receptacle used in handling melons.

### § 979.15 Varieties.

*Varieties* means and includes all classifications, subdivisions, or types or melons according to those definitive characteristics now and hereinafter recognized by the U.S. Department of Agriculture or recommended by the committee, and approved by the Secretary.

### § 979.16 Export.

*Export* means shipment of melons to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

### § 979.17 District.

*District* means each of the geographic divisions of the production area initially established pursuant to § 979.24 or as reestablished pursuant to § 979.25.

### § 979.18 Part and subpart.

*Part* means the Order Regulating the handling of Melons Grown in South Texas and all rules and regulations and supplementary orders issued thereunder. The aforesaid Order Regulating the Handling of Melons Grown in South Texas shall be a *subpart* of such *part*.